

ENTERED

November 09, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,

§

Plaintiff,

§

VS.

§

8.570 ACRES OF LAND, more or less, in
HIDALGO COUNTY, TEXAS, and
FULLER FARMS, A TEXAS GENERAL
PARTNERSHIP,

§ CIVIL ACTION NO. 7:20-cv-00170

Defendants.

§

§

SCHEDULING ORDER

The Court now considers the parties' "Amended Joint Discovery/Case Management Plan Under FRCP 26(f)." ¹ In light of the parties' agreement on the discovery plan,² the Court enters this scheduling order in lieu of holding an initial pretrial conference in light of the COVID-19 pandemic.³ The initial pretrial and scheduling conference previously scheduled for November 10, 2020,⁴ is **CANCELLED**. This case-specific scheduling order controls disposition of this action pending further order of the Court. The following actions shall be completed by the dates indicated:

¹ Dkt. No. 21.² *Id.* at 3, ¶ 11.

³ See Proclamation No. 9994, 85 Fed. Reg. 15,337 (Mar. 13, 2020) (Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak); Tex. Exec. Order No. GA-32, 45 Tex. Reg. 7,347 (Oct. 16, 2020) (Relating to the continued response to the COVID-19 disaster as Texas reopens) (citing Tex. Proclamation No. 41-3720, 45 Tex. Reg. 2,094 (Mar. 27, 2020)); Hidalgo Cnty., Tex., *County Order 20-017 in Response to the Continuing Public Health Emergency and Mitigating the Spread of COVID-19* (eff. Oct. 26, 2020), <https://www.hidalgocounty.us/DocumentCenter/View/42298/102320-County-of-HidalgoOrder-20-017>; *In Re: Court Operations in the McAllen Division [sic] Under the Exigent Circumstances Created by the COVID-19 Pandemic*, Spec. Order No. M-2020-10 (S.D. Tex. Oct. 2, 2020), <https://www.txs.uscourts.gov/sites/txs/files/Special%20Order%20M-2020-09%20Court%20Operations%20in%20McAllen%20During%20COVID-19.pdf>.

⁴ Dkt. No. 13 at 2.

PRETRIAL EVENTS	DEADLINES
Deadline to transmit initial disclosures as required by Federal Rule of Civil Procedure 26(a)(1).	November 9, 2020
Deadline to send interrogatories.	November 30, 2020
Deadline to file all documentation adding, substituting, disclaiming, or dismissing interested parties. ⁵ <u>N.B.</u> ⁶ : If necessary, the United States may also file amended condemnation documents or an amended schedule of interested parties.	January 11, 2021
Deadline for all parties to designate expert witnesses and provide expert reports in accordance with Federal Rule of Civil Procedure 26(a)(2).	February 5, 2021
Deadline for all parties to designate rebuttal expert witnesses and provide expert reports in accordance with Federal Rule of Civil Procedure 26(a)(2).	March 22, 2021
Discovery deadline.	April 9, 2021
Deadline to notify the Court whether the parties (1) consent to the Court deciding the issue of just compensation upon briefs and evidence submitted therewith or (2) request an evidentiary hearing on the issue of just compensation. <u>N.B.</u> : Parties may request a jury trial or a special commission ⁷ or consent to a bench trial. There is no right to jury trial. ⁸	April 27, 2021
Deadline to file briefs and submit evidence (or anticipated evidence if an evidentiary hearing is requested) on the issue of just compensation. <u>N.B.</u> : The Court will conduct a preliminary screening of the briefs and anticipated evidence submitted to determine whether the evidence is sufficient to order a jury trial if one is requested. ⁹	May 27, 2021

⁵ See FED. R. CIV. P. 71.1(i).

⁶ See N.B., BLACK'S LAW DICTIONARY (11th ed. 2019) ("Note well; take notice — used in documents to call attention to something important.").

⁷ FED. R. CIV. P. 71.1(h).

⁸ *Ga. Power Co. v. 138.30 Acres of Land*, 596 F.2d 644, 647 (5th Cir. 1979), aff'd sub nom. *Ga. Power Co. v. Sanders*, 617 F.2d 1112, 1113 (5th Cir. 1980) (en banc).

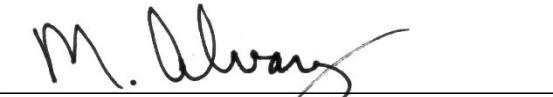
⁹ See *United States v. 320.0 Acres of Land, More or Less in Monroe Cty.*, 605 F.2d 762, 819–20 (5th Cir. 1979); *United States v. 33.92356 Acres of Land, More or Less, in Vega Baja*, 585 F.3d 1, 8 (1st Cir. 2009) (citing 320.0

Deadline to file all pretrial motions, including any dispositive motions, except motions in limine which shall be filed with the Joint Pretrial Order.	June 28, 2021
Deadline to file joint pretrial order, motions in limine, and proposed jury instructions (or proposed findings of fact & conclusions of law). ¹⁰	July 26, 2021
Final pretrial conference and trial scheduling, unless the parties elected for the Court to decide the issue of just compensation upon the briefs and evidence submitted therewith, in which case the conference is automatically cancelled.	August 23, 2021, at 9:00 a.m.

This scheduling order supersedes any earlier scheduling order, is binding on all parties, and shall not be modified except by leave of Court upon showing of good cause.¹¹ All other deadlines not specifically set out in this scheduling order will be governed by the Federal Rules of Civil Procedure and this Court's Local Rules.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 9th day of November 2020.



Micaela Alvarez
United States District Judge

Acres, 605 F.2d at 815) (“While the jury tries issues of valuation, the trial judge must screen the proffered best and highest uses . . .”).

¹⁰ The Joint Pretrial Order must be in accordance with Appendix B of the Local Rules for the Southern District of Texas and must include the disclosures required by Federal Rule of Civil Procedure 26(a)(3).

¹¹ See FED. R. CIV. P. 16(b)(4).